



FEDERAL ELECTION COMMISSION  
Washington DC 20463

13092682491

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2505

DATE SCANNED 3-29-13

SCANNER NO. 2

SCAN OPERATOR JmP



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 MAR -9 P 2:20

March 8, 2012

**SENSITIVE**

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia Carmona *PC*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2011.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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3/8/2012 3:39 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2011 YEAR-END Not Election Sensitive 01/31/2012 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2503	C00258244	BUCK MCKEON FOR CONGRESS	MCKEON, HOWARD P. 'BUCK'	PATRICIA MCKEON	\$1,863,033	0	2/13/2012	13	\$365,700	\$4,600
2504	C00503938	FRIENDS OF TIM BURNS	BURNS, TIMOTHY R	GEORGE K. MCLAUGHLIN	\$637,559	0	2/6/2012	6	\$637,559	\$4,500
2505	C00495549	JACKSON FOR VIRGINIA	JACKSON, EARL W SR	THEODORA J. JACKSON	\$166,756	0	2/8/2012	8	\$66,943	\$990
2506	C00500835	JIM GREENFIELD FOR CONGRESS	GREENFIELD, JIM	DAN HEGG	\$119,381	0	3/5/2012	Not Filed	\$89,033	\$3,850
2507	C00468199	SCHIFF FOR SENATE	SCHIFF, PETER DAVID	ANDREW SCHIFF	\$1,696,324	1		Not Filed	\$565,441 (est)	\$13,750

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2011	)	
Year-End Report for the Administrative	)	
Fine Program:	)	
BUCK MCKEON FOR CONGRESS, and	)	AF# 2503
MCKEON, PATRICIA as treasurer;	)	
FRIENDS OF TIM BURNS, and GEORGE	)	AF# 2504
K MCCLAUGHLIN as treasurer;	)	
JACKSON FOR VIRGINIA, and	)	AF# 2505
THEODORA J JACKSON as treasurer;	)	
JIM GREENFIELD FOR CONGRESS, and	)	AF# 2506
HEGG, DAN as treasurer;	)	
SCHIFF FOR SENATE, and ANDREW	)	AF# 2507
SCHIFF as treasurer;	)	

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 13, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2011 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 08, 2012, on the following committees:

AF#2503 Decided by a vote of 6-0 to: (1) find reason to believe that BUCK MCKEON FOR CONGRESS, and MCKEON, PATRICIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2504 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF TIM BURNS, and GEORGE K MCLAUGHLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2505 Decided by a vote of 6-0 to: (1) find reason to believe that JACKSON FOR VIRGINIA, and THEODORA J JACKSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2506 Decided by a vote of 6-0 to: (1) find reason to believe that JIM GREENFIELD FOR CONGRESS, and HEGG, DAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2507 Decided by a vote of 6-0 to: (1) find reason to believe that SCHIFF FOR SENATE, and ANDREW SCHIFF as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 13, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 15, 2012

Dan Hegg, in official capacity as Treasurer  
Jim Greenfield for Congress  
15105 SW 119th Avenue  
Tigard, OR 97224

C00500835  
AF#: 2506

Dear Mr. Hegg:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2011, shall be filed no later than January 31, 2012. 2 U.S.C. 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 13, 2012, the FEC found that there is reason to believe ("RTB") that Jim Greenfield for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 31, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,850. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$3,850 is due within forty (40) days of the finding, or by April 22, 2012, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$89,033

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or April 22, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of those reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failure; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Jim Greenfield for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,850 for the 2011 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by April 22, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Jim Greenfield for Congress

FEC ID#: C00500835

AF#: 2506

PAYMENT DUE DATE: April 22, 2012

PAYMENT AMOUNT DUE: \$3,850

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**JIM GREENFIELD FOR CONGRESS  
CHALLENGE TO FEC RTB FINDINGS AND CIVIL MONEY PENALTY**

**17 APR '12 RCVD**

Committee id # C00500835  
AF#: 2506

April 12, 2012

FEC Office of Administrative Review  
999 E Street, NW  
Washington, D>C 20436

**Federal Election Commission  
Office of Administrative Review  
999 E Street, N.W.  
Washington, DC 20463**

Re: Challenge to Notice of Civil Penalty of \$3,850 dated March 15, 2012

Dear FEC:

I am challenging the imposition of a \$3,850 fine on the following grounds:

**Issue #1 – The amount of the fine is too high**

The fine of \$3,850 was based on a finding that the level of campaign activity was \$89,033. However, during the reporting period donations to the campaign totaled only \$376. And total donations to the campaign overall (including all reporting periods) totaled only \$3,687. Expenses during the relevant reporting period totaled only \$927.50. (See my attached affidavit.)

The balance of funding for the campaign came from a personal conditional loan which I made to the campaign in the amount of \$97,325 in August, 2011. (A copy of the loan agreement is attached). Prior to making that loan I drew on several personal credit lines. At the time I made the loan to the campaign I was expecting to raise enough money through contributions to pay all campaign expenses and repay the loan in full. However, expenses exceeded contributions, so I ended up financing the lion's share of the campaign out of my own pocket, which, along with other setbacks, has created a personal financial strain. In November, 2011 the campaign refunded to me \$86,000, out of funds remaining in the campaign account. This repayment was not "campaign activity," but was merely a refund of funds which were not expended during the campaign. (See my attached affidavit.)

Based on the amount of donations and expenses referred to above during the reporting period (not including the \$86,000 refund to me) the level of campaign activity, was under \$4,999. Therefore the correct amount of the fine, according to the schedule shown in 11 CFR 111.43, should be \$250, which I am willing to pay. Separately I will send a check for that amount as payment in full satisfaction and release to the FEC, along with a copy of this challenge, and if this payment is accepted in discharge of this disputed claim, I am willing to withdraw this challenge, and consider the matter settled and resolved.

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## **Issue #2 – FEC failed to notify campaign that reports were due or past due**

When I received the March 15, 2012 notice that I was being fined for filing the report late, I called FEC staff person, Sari Pickerall, who told me that email notices were sent to my campaign's bookkeeper, Cathy Winston, who had filed our previous campaign reports. Ms. Pickerall claimed that two email notices were sent to Cathy Winston, one notice prior to the January 31, 2012 due date for the report, and the other notice the day after the report was due, notifying Ms. Winston that the report was late. However, as documented by the attached affidavit from Cathy Winston, she never received any email notice from the FEC either prior to or after the due date. Also see my attached affidavit.

After receiving the March 15, 2012 notice, I spoke to three different employees of the FEC, Sari Pickerall, Ben Holly, and Stephany in the Compliance Dept. (phone 800-424-9530). None of these employees was able to provide documentation or find evidence that notices of the due date had actually been sent to Cathy Winston, or to me. I was told that the FEC routinely sends such notices "as a courtesy," but apparently in this case the notices were not sent.

I understand that it is the position of FEC staff that notices of due dates are a "courtesy" only, that the FEC is not required to send such notices, and that the candidates and their campaigns are required to know the due dates even if no notice is sent. However, if it is the practice of the FEC to send notices to some candidates, and not to others, this practice raises fundamental questions of fairness and due process.

If this matter is litigated in District Court it will be necessary to use discovery to determine how the FEC decides which campaigns are to be favored with notices, and which campaigns are to be left on their own. If the FEC expects candidates to know the filing deadlines, why doesn't it include a packet of information to the campaign, either informing us of the deadlines, or at least instructing us specifically where to go on the FEC website to obtain this information? It's inevitable that failing to inform some campaigns of filing deadlines will cause some of the disfavored campaigns to miss deadlines. Clearly this FEC practice discriminates against poorly funded campaigns by less experienced candidates and favors incumbents and well funded campaigns. Campaigns which can hire expensive compliance experts are unlikely to fall into this trap.

It is a violation of fundamental fairness, and substantive due process, for the FEC to notify some campaigns of filing deadlines, yet fail to notify other campaigns. The FEC then fines campaign who have not been favored with a notice, with the cavalier explanation that their lack of knowledge of the deadline is no defense.

In the event this case is litigated, it will be necessary during discovery to ask troubling questions such as:

- What are the statutory or regulatory origins of the policy of sending notices of report due dates? Is this policy stated anywhere in writing, and does it require that **all** campaigns be notified?

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- What percentage of campaigns are sent such notices? What percentage are not sent notices?
- Which campaigns other than mine, specifically identified by name of candidate, location, and party affiliation, were not sent notices?
- Are there any discernible patterns, beyond random bad luck, which distinguish campaigns which are not sent notices from those which are? In other words, do the campaigns which are not sent notices have anything in common? For example, are incumbents more likely to receive notices than challengers? Are there any discernible patterns of partisanship in the selection of campaigns to be sent notices?
- Was the failure to send notices to my campaign the result of inadvertence, incompetence, misfeasance, or malfeasance?
- Was there a particular individual or individuals at the FEC who were supposed to be responsible for sending the notices to my campaign who failed to meet that responsibility?
- How many other campaigns have suffered financial damage as a result of not receiving notices? Are there a sufficient number of such cases and grounds for a class action law suit?

I raise these questions not as a veiled threat, but to preserve these issues for the record, because in your March 15 notice, you said that under 2 U.S.C. S47 and the regulations "the 'failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver' of your right to present such argument in a petition to the U.S. district court."

#### **Equitable Considerations - Harsh Penalty and Hardship**

The amount of the fine for a small, poorly funded, losing "citizen's" campaign is excessive and harsh. I will have to pay the entire fine out of my own pocket, and in these difficult times, it creates a personal hardship.

#### **Policy Considerations**

People across the political spectrum can agree that our democracy is strengthened by citizen participation. It is healthy to have candidates from different backgrounds run for Congress. It is bad policy to have campaign laws which are so complex and harsh that it makes it difficult for ordinary citizens who are not professional politicians, or heavily funded by special interests, to run for Congress. Excessively onerous fines for innocently missing a deadline discourage ordinary people from running for Congress.

In support of this Challenge, two affidavits, and a copy of the Loan Agreement are enclosed.

Sincerely,



Jim Greenfield

Enclosures: Affidavit of Cathy Winston  
Affidavit of Jim Greenfield  
Campaign Conditional Loan Agreement

13092682503



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

April 18, 2012

Dan Hegg, in official capacity as Treasurer  
Jim Greenfield for Congress  
15105 SW 119<sup>th</sup> Avenue  
Tigard, OR 97224

C00500835  
AF#: 2506

Dear Mr. Hegg:

On April 17, 2012, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

cc: Jim Greenfield, Candidate

13092682504

**Date: April 18, 2012**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2506**

**Committee Name: Jim Greenfield for Congress**

**Committee ID#: C00500835**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated March 8, 2012 and RTB Certification, dated March 13, 2012 (Y/N): Y**

**Attachment #: 1**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): N**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2011 Year End Report Prior Notice, dated December 27, 2011.**

**-Non-Filer Letter, dated February 16, 2012.**

**-RTB Letter, dated March 15, 2012.**

**Attachment #: 4**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

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**Delivery Notification**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1Z WF5 860 A2 9891 738 2  
**Reference Number(s):** RAD, 2506  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 03/13/2012  
**Delivered On:** 03/16/2012 8:59 A.M.  
**Delivered To:** 15105 SW 119TH AVE  
PORTLAND, OR, US 97224  
**Signed By:** GREENFIELD  
**Location:** RESIDENTIAL

Thank you for giving us this opportunity to serve you.

Sincerely,  
UPS

Tracking results provided by UPS: 03/16/2012 4:04 P.M. ET

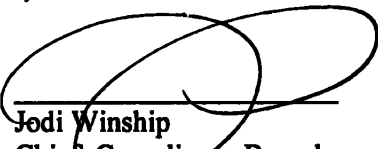
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Attachment 2



## **DECLARATION OF JODI WINSHIP**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Jim Greenfield for Congress:
  - A) Prior Notice, dated December 27, 2011, referencing the 2011 Year End Report  
(sent via electronic mail to: [cathy@winstonbookkeeping.com](mailto:cathy@winstonbookkeeping.com));
  - B) Non-Filer Letter, dated February 16, 2012, referencing the 2011 Year End Report;
  - C) Reason-to-Believe Letter, dated March 15, 2012 referencing the 2011 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Jim Greenfield for Congress filed the 2011 Year End Report with the Commission on March 5, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 18<sup>th</sup> day of April, 2012.



Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



YEAR-END

# REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2011

**CURRENT REPORT DUE:**

REPORT	CLOSE OF BOOKS <sup>1</sup>	REG./CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/11	01/31/12	01/31/12

[Click here for Supplemental Filing Information \(2011\)](#)

**LOOKING AHEAD TO 2012**

REPORT	CLOSE OF BOOKS <sup>1</sup>	REG./CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/12	04/15/12	04/15/12 <sup>2</sup>
July Quarterly	06/30/12	07/15/12	07/15/12 <sup>2</sup>
October Quarterly	09/30/12	10/15/12	10/15/12
Pre-General	10/17/12	10/22/12	10/25/12
48-Hour Notices	Period: 10/18/12 – 11/03/12 ---- <a href="#">click here for filing info</a> ----		
Post-General	11/26/12	12/06/12	12/06/12
Year-End	12/31/12	01/31/13	01/31/13

[Click here for Supplemental Filing Information \(2012\)](#)

<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate Public Records Office's) close of business on the last business day before the deadline.

## 2011 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2011. <sup>2</sup> See 11 CFR 104.5(a). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

### 2011 REPORTING SCHEDULE

- Web Page: 2011 Reporting Dates Page
- The Record: January 2011 issue [PDF]
- Candidate Guide, p. 79 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.43(b). See generally, 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,200 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(e).

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions received not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations. See 11 CFR 111.44.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

## LOOKING AHEAD TO 2012

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. <sup>2</sup> Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(1).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f) and 104.18(c).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

### PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2012 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. 11 CFR 104.5(a)(2).

- *The Record*: January 2012 issue [PDF] – coming in 2012
- Candidate Guide, p. 79-80 [PDF]

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 32 [PDF].

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 16, 2012

RQ-7

HEGG, DAN, TREASURER  
JIM GREENFIELD FOR CONGRESS  
15105 SW 119TH AVE  
TIGARD, OR 97224

IDENTIFICATION NUMBER: C00500835

REFERENCE: YEAR-END REPORT 10/20/2011 - 12/31/2011

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.E., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SERRI RICKERALL AT OUR TOLL FREE NUMBER (800)424-9630. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

*Debbie Chacona*  
DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

12909248255012



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SECRET

2012 MAY 16 AM 11:28

May 15, 2012

**SENSITIVE**

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2506 – Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer (C00500835)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092682513



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 15, 2012

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2506 – Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer  
(C00500835)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty.

**Reason-to-Believe Background**

On March 13, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2011 Year End Report and made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated March 15, 2012, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On April 17, 2012, the Commission received the written response ("challenge") from the Candidate, Jim Greenfield, challenging the RTB finding and civil money penalty on two grounds:

1. The amount of the fine is too high

The Candidate states that during the Year End reporting period, the campaign received only \$376 in donations and had expenses of \$927.50. Based on the amount of donations and expenses for the reporting period, he concludes that their campaign activity was under \$4,999 and the correct amount of the fine, according to the schedule of penalties, is \$250. He states that



he will send a check for this amount separately, and if the payment is accepted in discharge of the disputed claim, he is willing to withdraw the challenge.

**2. The FEC failed to notify the campaign that reports were due or past due**

After receiving the March 15 RTB letter, the Candidate states that he called the RAD Compliance Analyst and was informed that two email notices, one before and one after the report's due date, were sent to the campaign's Bookkeeper. He explains that she did not receive any such email notices from the Commission and that he spoke with three Commission representatives who were not able to provide evidence that notices regarding the report's due date were sent to he or his Bookkeeper. The Candidate states that he understands such notices are sent as a "courtesy," but if it is the Commission's practice to send notices to some candidates and not others, this practice raises fundamental questions of fairness and due process.

Included with the challenge are signed affidavits from the Candidate and the Bookkeeper, and a copy of the Candidate's loan agreement.

**Analysis**

The 2011 Year End Report was filed on March 5, 2012, 34 days late.

The Candidate and the respondents' Bookkeeper, in their respective affidavits, assert that they "at no time" received notice from the Commission informing them that a Year End Report was due; however, Commission records indicate that they were notified of this requirement to file and the due date of the report on two instances before the filing deadline.

According to the Assistant Staff Director ("the ASD") of the Commission's Information Division, it is the practice of the Information Division to send welcome packets to new committees, as well as courtesy reminders to committees shortly before their reports are due, using the email address provided on their Statement of Organization. The ASD confirms that following the filing of the respondents' initial Statement of Organization on August 19, 2011, on August 26 a welcome message was emailed to "jlmgreenfieldshow@yahoo.com," the email address disclosed on their Statement. The welcome message included a link entitled "Schedule of Reporting Dates" which opens directly to the "Reporting Dates" page on the Commission's website. Whereas the challenge suggests that the Commission provide the campaign with an information packet informing them of the filing deadlines, or instructions on specifically where to go on the Commission's website to obtain filing deadline information, this guidance was provided to the respondents five months before the Year End Report was due.

In addition to the welcome message, the ASD affirms that on December 27, 2011, the Information Division emailed a reminder regarding the Year End Report to the respondents at "cathy@winstonbookkeeping.com," the email address disclosed on their amended Statement of Organization filed October 27, 2011. Therefore a courtesy notification was sent to the respondents' Bookkeeper, Cathy Winston, more than a month before the January 31, 2012 due date.

The respondents were also notified of their requirement to file the Year End Report on two occasions after the deadline passed. According to the Commission's Information Technology Division Manager, on February 1, 2012 (the day after the filing deadline), the Electronic Filing Office sent an email notification to "cathy@winstonbookkeeping.com" stating them that they did not file the Year End Report. This is the email address provided by the respondents when filing their 12 Day Pre-Special Report on October 27, 2011. This is the same email address to which the Information Division's reminder notice was sent on December 27.

Additionally, on February 16, 2012, the Commission sent a non-filer notice to the respondents' address of record to inform them of their failure to file the report. Although the challenge contends that the respondents did not receive notice after the deadline passed and the Candidate's affidavit only specifies calls made to the Commission after receiving the Commission's March 15 RTB letter, RAD telephone records indicate that on February 21, three weeks before the RTB letter was sent, the Candidate called the Compliance Analyst regarding the non-filer notice. He indicated that he did not know he had to file the report. A Committee's failure to know filing dates is enumerated in 11 C.F.R. § 111.35(d) as a circumstance that will not be considered reasonably unforeseen and beyond the control of the respondents.

With respect to the second issue raised in the challenge, the Candidate contends that they received \$376 in donations and had expenses of \$927.50 during the Year End reporting period, and that the \$86,000 was not "campaign activity," but rather a refund to him for monies he loaned to the campaign which were not expended. For purposes of Administrative Fine penalty calculations, the level of activity for an authorized committee is defined as the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3)(i). The repayment of loans made, guaranteed, or endorsed by the Candidate is categorized as a disbursement. 11 C.F.R. § 104.3(b)(2)(iii)(A).

Their original report discloses \$376 in receipts and \$88,657 in disbursements, including \$87,500 in refunds of Candidate contributions as disclosed on Line 20(a). Their amended report, filed March 28, 2012, discloses \$376 in receipts and \$88,657 in disbursements, including \$87,500 in loan repayments to the Candidate as disclosed on Line 19(a). The respondents, therefore, disclosed a level of activity of \$89,933 on both their new and amended Year End Reports. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for a non-election sensitive report considered not filed for purposes of the administrative fine penalty calculation, for respondents with no prior violations, and a level of activity of \$75,000 - \$99,999.99, the civil penalty is  $\$3,850 \times [1 + (.25 \times 0)]$  or \$3,850, as was correctly calculated at RTB.

The other issues raised in the challenge (that the campaign lost, was small and poorly funded, and that the fine would be a personal hardship to the Candidate) do not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Accordingly, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850. If the Commission votes to uphold the Reviewing

Officer's recommendation, the respondents will be required to remit \$3,600, as \$250 was received at the Commission's lockbox on April 23, 2012.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2506 involving Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2506 that Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

#### **Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 –

Attachment 4 – Declaration from RAD

Attachment 5 – Declaration from OAR

13092682517

### DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2011 Year End Report is due January 31, 2012. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31, 2012 to be timely filed.
3. It is the practice of the Commission's Information Division to send prior notification of a report's due date to committees and treasurers at their email address of record approximately 3 weeks before the due date.
4. It is the practice of the Authorized Branch in the Commission's Report Analysis Division to document all calls to or from committees regarding a letter they received or any questions relating to the administrative fine regulations including due dates of reports and filing requirements.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Page 1 of the Statement of Organization filed by Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer. According to the Commission's records, the document is dated August 9, 2011, was received August 19, 2011, and lists "jimgreenfieldshow@yahoo.com" as the Committee's email address;
  - b) Page 1 of the Statement of Organization filed by Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer. According to the Commission's records, the document was electronically filed on October 27, 2011, and lists "cathy@winstonbookkeeping.com" as the Committee's email address;
  - c) Page 1 of the Summary Page, Pages 3 through 6 of the Post-Election Detailed Summary Page, and 1 page of Schedule B for the 2011 Year End Report electronically filed by Jim Greenfield for Congress and Jim Jim Greenfield, Candidate. According to the Commission's records, the report covers the period from October 28 through December 31, 2011, and was received on March 5, 2012. Line 16 lists \$376.49 in total receipts for the period. Line 22 lists \$88,657.50 in total disbursements for the period, including \$87,500 in "refund[s of] unused contributions" to Jim Jim Greenfield on Schedule B, Line 20(a); and
  - d) Page 1 of the Summary Page, Pages 3 through 6 of the Post-Election Detailed Summary Page, and 1 page of Schedule B for the Amended 2011 Year End Report electronically filed by Jim Greenfield for Congress and Jim Jim Greenfield, Candidate. According to the Commission's records, the report covers the period from October 28 through December 31, 2011, and was received on March 28, 2012. Line 16 lists \$376.49 in total receipts for the period. Line 22 lists \$88,657.50 in total disbursements for the period, including \$87,500 to Jim Jim Greenfield on Schedule B, Line 19(a) Loan Repayments of Loans Made or Guaranteed by the Candidate.

13092682518

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 15<sup>th</sup> of May 2012.

A handwritten signature in black ink, appearing to read "Dayna C. Brown", written over a horizontal line.

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

13092682519

FEC  
FORM 1

STATEMENT OF  
ORGANIZATION

RECEIVED

2011 AUG 19 AM 8:17

FEC MAIL CENTER

1. NAME OF  
COMMITTEE (in full)



(Check if name  
is changed)

Example: If typing, type  
over the lines.

12FE4M5

Jim Greenfield for Congress

ADDRESS (number and street)

15105 SW 119th Avenue



(Check if address  
is changed)

Tigard

OR

97224

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)



(Check if address  
is changed)

jimgreenfielddis@yahoo.com

COMMITTEE'S WEB PAGE ADDRESS (URL)



(Check if address  
is changed)

2. DATE

08

09

2011

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

DAN HEGG

Signature of Treasurer

Dan Hegg

Date

08

09

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 02/2009)

Image# 11971775930

**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

Office Use Only

1. NAME OF  
COMMITTEE (in full)(Check if name  
is changed)Example: If typing, type  
over the lines.

12FE4M5

Jim Greenfield for Congress

ADDRESS (number and street)

15105 SW 119th Ave

(Check if address  
is changed)

Tigard

OR

97224

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

cathy@winstonbookkeeping.com

(Check if address  
is changed)

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address  
is changed)

2. DATE

10

27

2011

3. FEC IDENTIFICATION NUMBER



C00500835

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

*I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.*

Type or Print Name of Treasurer

Dan Hegg

Signature of Treasurer

Dan Hegg

(Electronically Filed)

Date

10

27

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
OnlyFor further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100**FEC FORM 1**  
(Revised 02/2009)

13092682521

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (In full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Jim Greenfield for Congress

ADDRESS (number and street) 15105 SW 119th Ave

Check if different  
than previously  
reported. (ACC)

Tigard

OR

97224

2. FEC IDENTIFICATION NUMBER ▼

C C00500835

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

OR

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

In the  
State of

5. Covering Period

10 28 2011

through

12 31 2011

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Jim Jim Greenfield

Signature of Treasurer

Jim Jim Greenfield

[Electronically Filed]

Date

12 31 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)



**POST-ELECTION DETAILED SUMMARY PAGE**

Report of Receipts and Disbursements

FEC Form 3 (Revised 07/05)

PAGE 3 / 10

- If the candidate participated in the general election, use this form for the 30-day Post-General report.
- If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

Jim Greenfield for Congress

Report Covering the Period: From:

MM / DD / YYYY  
10 / 28 / 2011

To:

MM / DD / YYYY  
12 / 31 / 2011**I. RECEIPTS**COLUMN A  
Total this PeriodCOLUMN B  
Election Cycle Total as ofMM / DD / YYYY  
11 / 08 / 2011  
(date of general election)COLUMN C  
Total forMM / DD / YYYY  
11 / 09 / 2011  
(date after general election)

through

MM / DD / YYYY  
12 / 31 / 2011  
(last day of reporting period)**11. CONTRIBUTIONS**

(other than loans) FROM:

- (a) Individuals/Persons Other than  
Political Committees  
(i) Itemized (use Schedule A)

376.49

3737.49

0.00

(ii) Unitemized

0.00

600.00

0.00

(iii) Total of contributions from individuals

376.49

4337.49

0.00

(b) Political Party Committees

0.00

0.00

0.00

(c) Other Political Committees

0.00

0.00

0.00

**POST-ELECTION DETAILED SUMMARY PAGE****Report of Receipts and Disbursements**

FEC Form 3 (Revised 1/01)

PAGE 4 / 10

<b>COLUMN A</b> Total this Period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for data)	<b>COLUMN C</b> Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
<b>(d) The Candidate</b>		
0.00	100000.00	0.00
<b>(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))</b>		
376.49	104337.49	0.00
<b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES</b>		
0.00	0.00	0.00
<b>13. LOANS:</b>		
<b>(a) Made or Guaranteed by the Candidate</b>		
0.00	0.00	0.00
<b>(b) All Other Loans</b>		
0.00	0.00	0.00
<b>(c) TOTAL LOANS (add Lines 13(a) and (b))</b>		
0.00	0.00	0.00
<b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, rebates, etc.)</b>		
0.00	0.00	0.00
<b>15. OTHER RECEIPTS (Dividends, Interest, etc.)</b>		
0.00	0.00	0.00
<b>16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)</b>		
376.49	104337.49	0.00

13092682524

**POST-ELECTION DETAILED SUMMARY PAGE**

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 5 / 10

Write or Type Committee Name

Jim Greenfield for Congress

Report Covering the Period:

From:

10

28

2011

To:

12

31

2011

**II. DISBURSEMENTS****COLUMN A**  
Total this Period**COLUMN B**  
Election Cycle Total as of \*  
(date of general election)  
(\* See page 5 for date)**COLUMN C**  
Total for \* (date after general election)  
through \* (last day of reporting period)  
(\* See page 5 for dates)**17. OPERATING EXPENDITURES**

927.50

16247.50

100.00

**18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES**

0.00

0.00

0.00

**19. LOAN REPAYMENTS:**

(a) Of Loans Made or Guaranteed by the Candidate

0.00

0.00

0.00

(b) Of All Other Loans

0.00

0.00

0.00

(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))

0.00

0.00

0.00

**20. REFUNDS OF CONTRIBUTIONS TO:**

(a) Individuals/Persons Other Than Political Committees

87730.00

84000.00

3730.00

(b) Political Party Committees

0.00

0.00

0.00

13092682525

**POST-ELECTION DETAILED SUMMARY PAGE****Report of Receipts and Disbursements**

FEC Form 3 (Revised 1/01)

PAGE 6 / 10

<b>COLUMN A</b> <b>Total this Period</b>	<b>COLUMN B</b> <b>Election Cycle Total as of *</b> (date of general election) (* See page 5 for data)	<b>COLUMN C</b> <b>Total for * (date after general election)</b> <b>through * (last day of reporting period)</b> (* See page 5 for dates)
---	---	--

(c) Other Political Committees (such as PACs)

0.00	0.00	0.00
------	------	------

(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b) and (c))

87730.00	84000.00	3730.00
----------	----------	---------

**21. OTHER DISBURSEMENTS**

0.00	0.00	0.00
------	------	------

**22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d) and 21)**

88657.50	100247.50	3830.00
----------	-----------	---------

**III. NET CONTRIBUTIONS (OTHER THAN LOANS)**

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract Line 20(d) from Line 11(e))

-87353.51	20337.49	-3730.00
-----------	----------	----------

**IV. NET OPERATING EXPENDITURES**

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract Line 14 from Line 17)

927.50	16247.50	100.00
--------	----------	--------

**V. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....
24. TOTAL RECEIPTS THIS PERIOD (from Line 16).....
25. SUBTOTAL (add Line 23 and Line 24).....
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)

88541.00
376.49
88917.49
88657.50
259.99

13092682526

# **SCHEDULE B (FEC Form 3)** **ITEMIZED DISBURSEMENTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER:  
(check only one)

PAGE 9 OF 10

☐ 17 ☐ 18 ☐ 19a ☐ 19b  
☒ 20a ☐ 20b ☐ 20c ☐ 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (or Full)

Jim Greenfield for Congress

Full Name (Last, First, Middle Initial)

A. Jim Jim Greenfield

Mailing Address 15108 SW 119th Ave

Date of Disbursement

MM / DD / YYYY  
11 / 02 / 2011

City State Zip Code  
Tigard OR 97224

Amount of Each Disbursement this Period

84000.00

Purpose of Disbursement  
Refund Unused contribution

Transaction ID : SB20A.4165

Candidate Name  
Jim Greenfield for Congress

Category/  
Type

Office Sought: ☒ House  
☐ Senate  
☐ President

Disbursement For: 2011  
☐ Primary ☐ General  
☒ Other (specify) Special-Primary

State: OR District: 01

B. Jim Jim Greenfield

Mailing Address 15105 SW 119th Ave

Date of Disbursement

MM / DD / YYYY  
11 / 16 / 2011

City State Zip Code  
Tigard OR 97224

Amount of Each Disbursement this Period

2000.00

Purpose of Disbursement  
Refund unused contribution

Transaction ID : SB20A.4166

Candidate Name  
Jim Greenfield for Congress

Category/  
Type

Office Sought: ☒ House  
☐ Senate  
☐ President

Disbursement For: 2011  
☐ Primary ☐ General  
☒ Other (specify) Special-Primary

State: OR District: 01

C. Jim Jim Greenfield

Mailing Address 15105 SW 119th Ave

Date of Disbursement

MM / DD / YYYY  
12 / 31 / 2011

City State Zip Code  
Tigard OR 97224

Amount of Each Disbursement this Period

1500.00

Purpose of Disbursement  
Refund used Contribution

Transaction ID : SB20A.4167

Candidate Name  
Jim Greenfield for Congress

Category/  
Type

Office Sought: ☒ House  
☐ Senate  
☐ President

Disbursement For: 2011  
☐ Primary ☐ General  
☒ Other (specify) Special-Primary

State: OR District: 01

SUBTOTAL of Disbursements This Page (optional).....

87500.00

TOTAL This Period (last page this line number only).....

13092682527

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Jim Greenfield for Congress

ADDRESS (number and street) 15105 SW 119th Ave

Check if different  
than previously  
reported. (ACC)

Tigard

OR

97224

2. FEC IDENTIFICATION NUMBER ▼

C C00500835

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS  
REPORTNEW  
(N)

OR

X AMENDED  
(A)

OR

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

In the  
State of

5. Covering Period

M M / D D / Y Y Y Y  
10 28 2011

through

M M / D D / Y Y Y Y  
12 31 2011

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Jim Jim Greenfield

Signature of Treasurer Jim Jim Greenfield

[Electronically Filed]

Date

M M / D D / Y Y Y Y  
03 28 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**POST-ELECTION DETAILED SUMMARY PAGE****Report of Receipts and Disbursements**

FEC Form 3 (Revised 07/05)

PAGE 3 / 11

- If the candidate participated in the general election, use this form for the 30-day Post-General report.
- If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

Jim Greenfield for Congress

Report Covering the Period: From: 10 28 2011 To: 12 31 2011

**I. RECEIPTS**
**COLUMN A**  
Total this Period

**COLUMN B**  
Election Cycle Total as of

 11 08 2011  
(date of general election)

**COLUMN C**  
Total for

 11 09 2011  
(date after general election)

through

 12 31 2011  
(last day of reporting period)
**11. CONTRIBUTIONS**

(other than loans) FROM:

- (a) Individuals/Persons Other than  
Political Committees  
(i) Itemized (use Schedule A)

376.49		3737.49	0.00
--------	--	---------	------

(ii) Unitemized

0.00		600.00	0.00
------	--	--------	------

(iii) Total of contributions from Individuals

376.49		4337.49	0.00
--------	--	---------	------

(b) Political Party Committees

0.00		0.00	0.00
------	--	------	------

(c) Other Political Committees

0.00		0.00	0.00
------	--	------	------

**POST-ELECTION DETAILED SUMMARY PAGE****Report of Receipts and Disbursements**

FEC Form 3 (Revised 1/01)

PAGE 4 / 11

<b>COLUMN A</b> <b>Total this Period</b>	<b>COLUMN B</b> <b>Election Cycle Total as of *</b> <b>(date of general election)</b> <b>(* See page 5 for data)</b>	<b>COLUMN C</b> <b>Total for * (date after general election)</b> <b>through * (last day of reporting period)</b> <b>(* See page 5 for dates)</b>
<b>(d) The Candidate</b>		
0.00	0.00	0.00
<b>(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))</b>		
376.49	4337.49	0.00
<b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES</b>		
0.00	0.00	0.00
<b>13. LOANS:</b>		
<b>(a) Made or Guaranteed by the Candidate</b>		
0.00	100000.00	0.00
<b>(b) All Other Loans</b>		
0.00	0.00	0.00
<b>(c) TOTAL LOANS (add Lines 13(a) and (b))</b>		
0.00	100000.00	0.00
<b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, rebates, etc.)</b>		
0.00	0.00	0.00
<b>15. OTHER RECEIPTS (Dividends, Interest, etc.)</b>		
0.00	0.00	0.00
<b>16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)</b>		
376.49	104337.49	0.00

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**POST-ELECTION DETAILED SUMMARY PAGE**

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 5 / 11

Write or Type Committee Name

Jim Greenfield for Congress

Report Covering the Period:

From:

10 28 2011

To:

12 31 2011

**II. DISBURSEMENTS**

	<b>COLUMN A</b> Total this Period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for date)	<b>COLUMN C</b> Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
<b>17. OPERATING EXPENDITURES</b>			
	927.50	16247.50	100.00
<b>18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES</b>			
	0.00	0.00	0.00
<b>19. LOAN REPAYMENTS:</b>			
(a) Of Loans Made or Guaranteed by the Candidate			
	87500.00	84000.00	3500.00
(b) Of All Other Loans			
	0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))			
	87500.00	84000.00	3500.00
<b>20. REFUNDS OF CONTRIBUTIONS TO:</b>			
(a) Individuals/Persons Other Than Political Committees			
	230.00	0.00	230.00
(b) Political Party Committees			
	0.00	0.00	0.00

13092682531

**POST-ELECTION DETAILED SUMMARY PAGE**

## Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 6 / 11

<b>COLUMN A</b> Total this Period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for date)	<b>COLUMN C</b> Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
--------------------------------------	--	--

(c) Other Political Committees (such as PACs)

0.00

0.00

0.00

(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b) and (c))

230.00

0.00

230.00

21. OTHER DISBURSEMENTS

0.00

0.00

0.00

22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d) and 21)

88657.50

100247.50

3830.00

**III. NET CONTRIBUTIONS (OTHER THAN LOANS)**

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract Line 20(d) from Line 11(e))

146.49

4337.49

-230.00

**IV. NET OPERATING EXPENDITURES**

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract Line 14 from Line 17)

927.50

16247.50

100.00

**V. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	88541.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16).....	376.49
25. SUBTOTAL (add Line 23 and Line 24).....	88917.49
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	88657.50
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)	259.99

13092682532

# **SCHEDULE B (FEC Form 3)** **ITEMIZED DISBURSEMENTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER:  
(check only one)

PAGE 9 OF 11

☐ 17 ☐ 18 ☒ 19a ☐ 19b  
20a 20b 20c 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Jim Greenfield for Congress

Full Name (Last, First, Middle Initial)

A. Jim Jim Greenfield

Date of Disbursement

11 02 2011

Mailing Address 15105 SW 119th Ave

City State Zip Code  
Tigard OR 97224

Amount of Each Disbursement this Period

84000.00

Purpose of Disbursement

Transaction ID : SB19A.4174

Candidate Name

Category/  
Type

Office Sought: ☒ House  
☐ Senate  
☐ President

Disbursement For: 2011

☐ Primary ☐ General  
☒ Other (specify) Special-Primary

State: OR District: 01

Full Name (Last, First, Middle Initial)

B. Jim Jim Greenfield

Date of Disbursement

11 16 2011

Mailing Address 15105 SW 119th Ave

City State Zip Code  
Tigard OR 97224

Amount of Each Disbursement this Period

2000.00

Purpose of Disbursement

Transaction ID : SB19A.4176

Candidate Name

Category/  
Type

Office Sought: ☒ House  
☐ Senate  
☐ President

Disbursement For: 2011

☐ Primary ☐ General  
☒ Other (specify) Special-Primary

State: OR District: 01

Full Name (Last, First, Middle Initial)

C. Jim Jim Greenfield

Date of Disbursement

12 31 2011

Mailing Address 15105 SW 119th Ave

City State Zip Code  
Tigard OR 97224

Amount of Each Disbursement this Period

1500.00

Purpose of Disbursement

Transaction ID : SB19A.4175

Candidate Name

Category/  
Type

Office Sought: ☒ House  
☐ Senate  
☐ President

Disbursement For: 2011

☐ Primary ☐ General  
☒ Other (specify) Special-Primary

State: OR District: 01

SUBTOTAL of Disbursements This Page (optional)

87500.00

TOTAL This Period (last page this line number only)

87500.00

13092682533



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 17, 2012

Dan Hegg, in official capacity as Treasurer  
Jim Greenfield for Congress  
15105 SW 119<sup>th</sup> Avenue  
Tigard, OR 97224

C00500835  
AF# 2506

Dear Mr. Hegg:

On March 13, 2012, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2011 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment  
cc: Jim Greenfield, Candidate

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

*Jim Greenfield*

15105 SW 119<sup>th</sup> Avenue  
Tigard, Oregon 97224  
w(503)968-0499 c(503)475-4560  
jimgreenfieldshow@yahoo.com

2012 MAY 25 A 11:52

May 24, 2012

FEC: Commission Secretary  
Fax # (202)208-3333

Re: Committee id # C00500835, AF# 2506, JIM GREENFIELD FOR CONGRESS,  
CHALLENGE TO FEC RTB FINDINGS AND CIVIL MONEY PENALTY  
Response to Letter of 5/17/12 from Dayna C Brown and 5/15/12 REVIEWING OFFICER  
RECOMMENDATION (OAR)

Dear Commission Secretary:

I believe the substantive issues raised by Dayna C. Brown's letter of May 17, 2012, and by the "REVIEWING OFFICER RECOMMENDATION" of May 15, 2012 are rendered legally moot by the acceptance by the FEC of a check for \$250 as payment in full satisfaction and release of the amount owed in this disputed claim. However I shall briefly address those substantive issues anyway and then discuss the acceptance of the check as payment in full.

The reviewing officer rejected my argument that the fine was excessive because the level of campaign activity should not include the sum of \$86,000 as repayment of a loan I made to my campaign. According to the reviewing officer's interpretation of the regulations, if a candidate loaned his campaign \$100,000, changed his mind about running, and refunded the loan to himself the following day, even if his campaign had no other expenditures or receipts, the level of campaign activity would be deemed by the FEC to be \$200,000. This interpretation results in penalties that are unduly harsh, and out of all proportion to the real level of campaign activity. Such a Draconian application of the regulations is unreasonable, and therefore might well be disallowed by the Court, if this case is litigated.

It is apparent from the reviewing officer's recommendation that he chose to believe the statements of FEC personnel that they sent email notices of the filing deadline to our campaign bookkeeper, and chose not to believe the sworn affidavit of our bookkeeper that no such notices were sent to her. It is not clear how the reviewing officer could make this determination without even speaking to our bookkeeper, and, absent a hearing, her sworn statement should be given the benefit of the doubt and presumed true unless proven to be false.

In any case I believe these issues are moot. The reviewing officer noted that in my challenge I stated that I would separately send a check for \$250 as payment in full, which I argued is the correct amount of the fine. The reviewing officer quoted my statement that "if the payment is accepted in discharge of the disputed claim," I would be willing to withdraw the challenge. On

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the final page of his review the reviewing officer acknowledges that the said "\$250 was received at the Commission's lockbox on April 23, 2012." I mailed the check for \$250 to the FEC with a letter attached dated April 18, 2012. For your convenience another copy of this letter is attached hereto. I am also attaching copies of the front and back of the check. The front of the check states "Payment in Full Satisfaction & Release of All Sums Owed," and includes the committee id# and AF#. The back of the check, over the endorsement, reads: "Payment in Full Satisfaction & Release of All Sums Owed as per letter of 4/18/12." This check was endorsed and deposited by the FEC, and cleared my bank on April 24, 2012.

Please re-read the attached April 18 letter. The letter makes clear that if you accept this payment you will be accepting it as payment in full of all sums owed and be releasing me, my campaign, or other parties associated with my campaign, from any claim for any additional sums. The letter instructed you that if you did not accept the check as payment in full, you should not cash it but should return it to me.

In the April 18 letter I disclosed to the FEC that I had filed a challenge to the FEC RTB finding, and that I was offering this payment in full settlement of the disputed amount of the claim. Having accepted this check as payment in full satisfaction and release of a disputed claim, the FEC is legally estopped from now claiming that additional sums are owed. As pointed out in my April 18 letter, accepting this payment in settlement for less than the amount claimed by the FEC is authorized by Title 31, Section 902.2 of the Code of Federal Regulations. The FEC therefore has no legal basis to claim that any additional sums are owed.

If you have any doubt that accepting the check for \$250 as payment in full settled this claim, I suggest you run it by your legal department. I have already consulted my attorney who assures me that this is correct.

By the way, I'm curious why the FEC chooses to spend taxpayer money sending notices by private overnight carriers (viz. UPS) when the U.S. Postal Service could adequately deliver this mail for about 1/30th of the cost?

Thank you for your attention.

Sincerely,

Jim Greenfield

13092682536



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 DEC 28 PM 1:55

December 28, 2012

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *APCO*  
Staff Director

From: Patricia C. Orroek *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Acting Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2506 – Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer (C00500835)

On March 13, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2011 Year End Report and made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 17, 2012, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated May 15, 2012, was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On May 25, 2012, the Commission received the written response from the Treasurer/Candidate which further disposes the main points raised in the challenge and addressed in the ROR: The level of activity should not include repayments of candidate loan, and the FEC failed to notify the campaign that reports were due or past due. Moreover, the

13092682537

Candidate renders these points moot as the Commission accepted the \$250 check "as payment in full satisfaction and release of the amount owed in this disputed claim."

As discussed in the ROR, the repayment of loans made, guaranteed, or endorsed by the Candidate is categorized as a disbursement. 11 C.F.R. § 104.3(b)(2)(iii)(A). For purposes of Administrative Fine penalty calculations, the level of activity for an authorized committee is defined as the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3)(i). The original and amended report, filed March 28, 2012, disclose \$376 in receipts and \$88,657 in disbursements, including \$87,500 in loan repayments to the Candidate. The respondents, therefore, disclosed a level of activity of \$89,033 on both their new and amended Year End Reports. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for a non-election sensitive report considered not filed for purposes of the administrative fine penalty calculation, for respondents with no prior violations, and a level of activity of \$75,000 - \$99,999.99, the civil penalty is  $\$3,850 \times [1 + (.25 \times 0)]$  or \$3,850, as was correctly calculated at RTR.

The Candidate expresses his concern that the Reviewing Officer "chose not to believe the sworn affidavit of [their] bookkeeper that no [emails] were sent to her...and her sworn statement should be given the benefit of the doubt and presumed true unless proven to be false." As discussed in the ROR, the Assistant Staff Director of the Information Division confirms that a welcome packet email and a courtesy reminder email were appropriately sent to jimgreenfieldshow@yahoo.com and cathy@winstonbookkeeping.com, respectively. In addition, the Commission's Information Technology Division Manager confirmed the Electronic Filing Office sent an email notification the day after the filing deadline to cathy@winstonbookkeeping.com alerting the respondents that they had failed to file the Year End Report.

The Candidate further states that the Commission's acceptance of the \$250 payment sent to the Commission's lockbox marked "payment in full satisfaction [and] release of all sums owed" settled the respondents' civil money penalty of \$3,850, per 31 C.F.R. § 902.2. In response to the Office of Administrative Review's Request for Informal Advice regarding this matter, the Office of General Counsel ("OGC") concluded that said check does not settle this administrative fine matter entirely, for reasons including but not limited to:

1. A civil money penalty cannot be satisfied unless and until the Commission makes a final determination, which the Commission has not yet done in this case. 11 C.F.R. § 111.37(a);
2. Civil money penalties for administrative fines are mandated by the schedule of penalties at 11 C.F.R. § 111.43, and the Commission cannot adjust or accept a lower penalty unless a respondent is able to demonstrate that the amount of the proposed penalty was calculated on an incorrect basis. 11 C.F.R. § 111.37(c). The Commission could lower the civil money penalty if it accepts the argument that the penalty was incorrectly calculated; however, the penalty cannot be compromised or settled prior to the Commission accepting the respondents' argument in their final determination;



3. 31 C.F.R. § 902.2, cited by the Candidate, does not apply to the civil money penalty here, given that the Commission has not yet made a final determination as to what the penalty is going to be. Only a Commission-approved penalty after the final determination can be considered a debt owed to the agency. If no debt exists yet, it follows that there is not yet a debt to be settled or compromised; and
4. The processing of the check sent to a lockbox was not an action by any person authorized by the Commission to settle the civil money penalty for less than the full amount.

OGC further recommended that the Commission refund the \$250 payment and send a letter to the respondents stating the Commission does not agree that the \$250 payment satisfies the entire debt. Per 31 U.S.C. § 3325(d), agencies are required to include the Taxpayer Identification Number (TIN) of each payee on certified payment vouchers to carry out offset and vendor income reporting. The Review Officer contacted the Candidate to retrieve his TIN, yet he refused and mentioned his intent to further pursue this case in court. At this point, a refund of the \$250 payment is not possible, and therefore, it will be accepted as partial payment of the civil money penalty.

The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850. If the Commission votes to uphold the Reviewing Officer's recommendation, the respondents will be required to remit \$3,600, as \$250 was received at the Commission's lockbox on April 23, 2012.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2506 involving Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2506 that Jim Greenfield for Congress and Dan Hegg, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

#### **Attachments**

Attachment 1 – Response to ROR Received from Respondents  
 Attachment 2 –  
 Attachment 3 –

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 2506  
Final Determination Recommendation: )  
Jim Greenfield for Congress and Dan )  
Hegg, in his official capacity as )  
Treasurer (C00500835) )

CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on February 26, 2013, do hereby certify that the Commission decided by a vote of 5-0 to:

1. Terminate the proceedings.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 27, 2013  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 1, 2013

VIA OVERNIGHT DELIVERY

Dan Hegg, in official capacity as Treasurer  
Jim Greenfield for Congress  
15105 SW 119<sup>th</sup> Avenue  
Tigard, OR 97224

C00500835  
AF# 2506

Dear Mr. Hegg:

On March 13, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Jim Greenfield for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2011 Year End Report. By letter dated March 15, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,850 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 17, 2012, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Jim Greenfield for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850 in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on May 17, 2012.

On May 25, 2012, the Commission received your response. On February 26, 2013, the Commission failed to adopt the Reviewing Officer's recommendations contained in the Final Determination Report (attached). The Commission then voted to terminate the proceedings pursuant to 11 C.F.R. § 111.37(b). Therefore, the Commission will issue a refund of the \$250 payment received on April 23, 2012.

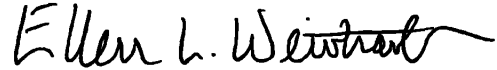
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days

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from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

Attachment

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2506

DATE SCANNED 3-29-13

SCANNER NO. 2

SCAN OPERATOR IMP

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